Remarks

Reconsideration of the present application, as amended, is respectfully requested.

Of previously pending claims 1-24, all were rejected. Specifically, claims 1, 9, and 17 were rejected on the ground of nonstatutory obviousness-type double patenting as being unatentable over claims 1 and 14 of U.S. Patent No. 7,020,814, which issued March 26, 2006 to Ryle *et al.* (hereinafter "Ryle"). Claims 1-2, 4-6, 9, 11-14, 17, and 19-22 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication No. 2003/0074449, which was published April 17, 2003, R. Smith *et al.*, inventors (hereinafter "Smith"), in view of U.S. Patent Publication No. 2004/0114924, which was published June 17, 2004, M. Holness *et al.*, inventors (hereinafter "Holness"). Claims 3, 10, and 18 were rejected under §103(a) as being obvious over Smith in view of Holness and further in view of U.S. Patent No. 7,298,694, which issued November 20, 2007 to S. Kamiya *et al.* (hereinafter "Kamiya"). Claims 7-8, 15-16, and 23-24 were rejected under 35 U.S.C. §103(a) as being obvious over Smith in view of Holness and further in view of U.S. Patent Publication No. 2005/0058064, which was published March 17, 2005, P. Phelps *et al.*, inventors (hereinafter "Phelps").

The applicants respectfully repeat their request that the Examiner reconsider his double patenting rejection. Purportedly, claims 1 and 17 of the '814 patent and present pending claims 1, 9 and 17 commonly claim: 1) "detecting a failure of a Fibre Channel link from the local Fibre Channel port to an associated local Fibre Channel transport interface;" and 2) "generating error condition codes; and transmitting error condition codes over the SONET/SDH transport path overhead to a [the] remote Fibre Channel transport interface so that the Fibre Channel link from the remote Fibre Channel transport interface to the associated remote Fibre Channel port is disabled after a predetermined amount of time."

A cursory review of presently pending claim 1, for example, shows that the quoted language above is not found in applicants' presently pending claims. Pending claim 1 has the steps of: "detecting an interruption in said SONET/SDH transport network responsive to a GFP loss of synchronization;" and "transmitting Ordered Sets indicative of non-operation from said first transport interface to said first Fibre Channel port so that said first Fibre Channel port

performs link initialization and buffer credit recovery procedures with said second Fibre Channel port." Thus an interruption is detected in the SONET/SDH transport network, not in the "link from the local Fibre Channel port to an associated local Fibre Channel transport interface." And, the Ordered sets indicative of the SONET/SDH network non-operation are transmitted to the Fibre Channel port from its corresponding transport interface, not from one Fibre Channel transport interface over the SONET/SDH transport path to the remote Fibre Channel transport interface. The claims of the '814 patent and the present claims are not related and are certainly not obvious in light of each other.

Furthermore, the applicants assert that for a non-statutory obviousness-type rejection, the issue is not the commonly claimed subject matter, but that the differences in the claims are insignificant so that the claims are obvious in light of each other. The applicants assume that that is what the Examiner meant. However, as pointed out in the previous paragraph, the differences are significant and the applicants request that the Examiner address these differences. The double patenting rejection should be withdrawn.

With respect to the obviousness rejections under 35 U.S.C. §103(a), the applicants disagree and address the rejections with respect to independent claims 1, 9 and 17. Claim 1, for example, calls for:

> A method for efficient link recovery between first and second Fibre Channel ports communicating by the transport of GFP-encapsulated Fibre Channel client data frames across a SONET/SDH transport network, said first Fibre Channel port connected to said SONET/SDH transport network through a first transport interface and said second Fibre Channel port connected to said SONET/SDH transport network through a second transport, the method comprising:
>
> detecting an interruption in said SONET/SDH transport network responsive to a GFP loss of synchronization; and
>
> transmitting Ordered Sets indicative of non-operation from said first transport interface to said first Fibre Channel port so that said first Fibre Channel port performs link initialization and buffer credit recovery procedures with said second Fibre Channel port.

With due respect to the Examiner, the applicants do not understand the reasoning of this rejection. The Examiner apparently finds that the step of "detecting an interruption..." in the Holness reference and the step of "transmitting Ordered Sets..." in the Smith reference.

Taking up the purported teachings of these references in the order raised by the Examiner, the applicants note that the objects of the Smith reference are unrelated to the non-operation of SONET/SDH transport network. See paragraphs [0022]-[0024]. Paragraph [0123] is cited as teaching the step of "transmitting Ordered Sets...." However, paragraph [0123] merely discusses Fibre Channel line encoding, including ordered sets, as part of "a detailed overview of Fibre Channel" (paragraph [0115]). There is no teaching of the applicants' "transmitting Ordered Sets" step. The applicants do not claim the mere use of Fibre Channel ordered sets nor to have invented Fibre Channel ordered sets, as the Examiner apparently believes. Rather, the applicants have invented a technique for efficient link recovery between first and second Fibre Channel ports communicating by the transport of GFP-encapsulated Fibre Channel client data frames across a SONET/SDH transport network. Specifically, the step of "transmitting Ordered Sets" recites in full, "transmitting Ordered Sets indicative of non-operation from said first transport interface to said first Fibre Channel port so that said first Fibre Channel port performs link initialization and buffer credit recovery procedures with said second Fibre Channel port." This is not disclosed in paragraph [0123].

Apparently because of the appearance of the words, "buffer credit," the Examiner cited paragraph [0094], which states, "Advantageously, the invention uses the buffer credit link flow control mechanism of Fibre Channel, and ESCON, to ensure that no buffer overflow occurs when handing-off between the different client signal data rates and SONET/SDH payload rates." This paragraph is related to the objects of the Smith reference, but has no teaching relevant to the applicants' "transmitting Ordered Sets" step. See the language of the step quoted again in the previous paragraph.

Finally, the Examiner has not explained why the Smith and Holness references should be combined. Paragraph [0006] of Holness was cited as disclosing, "There is a need, therefore, for a system and method that enable service providers to monitor the performance of their services more effectively than current OAM techniques." Paragraph [0024] of Smith was cited as disclosing, "A further object of the invention seeks to provide a method of load balancing synchronous traffic comprising client signals across a synchronous network." What relevance these sentence have to the claimed invention is not understood.

Therefore, for at least these reasons, independent claim 1 is not obvious over the cited references and should be allowed. Independent claims 9 and 17 have similar language as claim 1 and should likewise be allowable.

With respect to the balance of the pending claims, claims 2-8, 10-16 and 18-24 are dependent upon claims 1, 9 and 17 respectively, and should be allowable over the cited prior art for at least being dependent upon an allowable base claim.

Therefore, in view of the amendments above and the remarks directed thereto, the applicants request that all rejections be removed, that claims 1-24 be allowed, and the case be passed to issue. If a telephone conference would in any way expedite the prosecution of this case, the Examiner is asked to call the undersigned at (408) 868-4088.

Respectfully submitted,

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